

#### **§ 3742.4**

and the failure of that person to file a verified statement, as provided in such notice shall in no manner affect, diminish, prejudice or bar any rights of that person.

##### **§ 3742.4 Failure of mining claimant to file verified statement.**

If any claimant under any unpatented mining claim located prior to enactment of the Act on August 13, 1954, which embraces any of the lands described in any notice published in accordance with the regulations in this part shall fail to file a verified statement, as specified in such published notice within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in § 3742.3-6.

(a) To constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and

(b) To constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4 of the Act, and

(c) To preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act minerals by reason of such mining claim.

#### **Subpart 3743—Hearings**

SOURCE: 35 FR 9741, June 13, 1970, unless otherwise noted.

##### **§ 3743.1 Hearing procedures.**

The procedures with respect to notice of such hearing and the conduct thereof, and in respect to appeals, shall follow the provisions of Appeals and Contests of the Department of the Interior and the Bureau of Land Management (part 1850 of this chapter) relating to contests or protests affecting public lands of the United States.

##### **§ 3743.2 Hearing: Time and place.**

If any verified statement shall be filed by a mining claimant then the authorized officer of the proper office, or the Director, as may be appropriate,

#### **43 CFR Ch. II (10-1-06 Edition)**

shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals. Such place of hearing shall be in the county where the lands in question, or part thereof, are located, unless the mining claimant agrees otherwise.

##### **§ 3743.3 Stipulation between parties.**

If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by the notice published pursuant to that request.

##### **§ 3743.4 Effect of decision affirming a mining claimant's rights.**

If, pursuant to a hearing held as provided in the regulations of this part, the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's right or interest under a mining claim as to Leasing Act minerals, then no subsequent proceedings under section 7 of the Act and the regulations of this part shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim.

#### **Subpart 3746—Fissionable Source Materials**

##### **§ 3746.1 Mining locations for fissionable source materials.**

(a) In view of the amendment of section 5(b)(7) of the Atomic Energy Act of 1946 by section 10(c) of the Act of August 13, 1954 (68 Stat. 708), and of the provisions of the Atomic Energy Act of 1954 (68 Stat. 921), it is clear that after enactment of said Act of August 13, 1954, valid mining locations under the mining laws of the United States may be based upon a discovery of a mineral deposit which is a fissionable source material.

(b) As to mining locations made prior to the enactment of said Act of August

## Bureau of Land Management, Interior

## Pt. 3800

13, 1954, section 10(d) of the act provides:

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly sec. 5(b)(7) thereof, prior to its amendment hereby, or the provisions of the Act of August 12, 1953 (67 Stat. 539), and particularly sec. 3 thereof, any mining claim, heretofore located under the mining laws of the United States for or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

[35 FR 9741, June 13, 1970, as amended at 41 FR 50690, Nov. 17, 1976]

### Group 3800—Mining Claims Under the General Mining Laws

NOTE: The information collection requirements contained in parts 3800, 3810, 3820, 3830, 3860 and 3870 of Group 3800 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004-0025, 1004-0104, 1004-0110 and 1004-0114. The information is being collected to permit the authorized officer to review certain proposed mining activities to ensure that they provide adequate protection of the public lands and their resources. The information will be used to make this determination. A response is required to obtain a benefit.

(See 48 FR 40890, Sept. 12, 1983)

## PART 3800—MINING CLAIMS UNDER THE GENERAL MINING LAWS

### Subpart 3800—General

3800.5 Fees

### Subpart 3802—Exploration and Mining, Wilderness Review Program

Sec.

- 3802.0-1 Purpose.
- 3802.0-2 Objectives.
- 3802.0-3 Authority.
- 3802.0-5 Definitions.
- 3802.0-6 Policy.
- 3802.0-7 Scope.
- 3802.1 Plan of operations.
- 3802.1-1 When required.
- 3802.1-2 When not required.

- 3802.1-3 Operations existing on October 21, 1976.
- 3802.1-4 Contents of plan of operations.
- 3802.1-5 Plan approval.
- 3802.1-6 Modification of plan.
- 3802.1-7 Existing operations.
- 3802.2 Bond requirements.
- 3802.3 Environmental protection.
- 3802.3-1 Environmental assessment.
- 3802.3-2 Requirements for environmental protection.
- 3802.4 General provisions.
- 3802.4-1 Noncompliance.
- 3802.4-2 Access.
- 3802.4-3 Multiple-use conflicts.
- 3802.4-4 Fire prevention and control.
- 3802.4-5 Maintenance and public safety.
- 3802.4-6 Inspection.
- 3802.4-7 Notice of suspension of operations.
- 3802.4-8 Cessation of operations.
- 3802.5 Appeals.
- 3802.6 Public availability of information.

### Subpart 3809—Surface Management

#### GENERAL INFORMATION

- 3809.1 What are the purposes of this subpart?
- 3809.2 What is the scope of this subpart?
- 3809.3 What rules must I follow if State law conflicts with this subpart?
- 3809.5 How does BLM define certain terms used in this subpart?
- 3809.10 How does BLM classify operations?
- 3809.11 When do I have to submit a plan of operations?
- 3809.21 When do I have to submit a notice?
- 3809.31 Are there any special situations that affect what submittals I must make before I conduct operations?
- 3809.100 What special provisions apply to operations on segregated or withdrawn lands?
- 3809.101 What special provisions apply to minerals that may be common variety minerals, such as sand, gravel, and building stone?
- 3809.111 Will BLM disclose to the public the information I submit under this subpart?
- 3809.115 Can BLM collect information under this subpart?
- 3809.116 As a mining claimant or operator, what are my responsibilities under this subpart for my project area?

#### FEDERAL/STATE AGREEMENTS

- 3809.200 What kinds of agreements may BLM and a State make under this subpart?
- 3809.201 What should these agreements address?
- 3809.202 Under what conditions will BLM defer to State regulation of operations?
- 3809.203 What are the limitations on BLM deferral to State regulation of operations?